

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

IMPLICIT, LLC, §  
§  
*Plaintiff*, §  
§  
v. § CIVIL ACTION NO. 2:18-CV-00053-JRG  
§  
NETSCOUT SYSTEMS, INC., §  
§  
*Defendant*. §

**ORDER**

The Court issues this Order *sua sponte*. In light of the available time on its calendar, the Court plans to conduct two jury trials in December 2019. The first trial will begin on December 9, 2019 and the second trial will begin on December 16, 2019. Currently, there are four cases which are scheduled for trial in December. The Court designates the order of trial as between these four cases as follows: (1) *Music Choice v. Stingray Digital Inc.*, 2:16-CV-0586-JRG-RSP; (2) *Implicit, LLC v. NetScout Systems, Inc.*, 2:18-CV-00053-JRG; (3) *Implicit, LLC v. Sandvine Corporation*, 2:18-CV-00054-JRG; and (4) *Semcon IP Inc. v. ASUSTek Computer, Inc.*, 2:18-CV-00193-JRG. In the event that one or more of the above-listed cases is finally resolved prior to December 9, 2019, then the highest designated case then unresolved will proceed to trial at that time.

The same process will determine which among these cases will proceed to trial on December 16, 2019. Upon the resolution of any of these cases prior to December 9, 2019 counsel shall immediately inform the Court by calling chambers. Such telephonic notification shall be in addition to any other obligations imposed on parties who resolve cases prior to trial.

**So ORDERED and SIGNED this 13th day of November, 2019.**



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RODNEY GILSTRAP  
UNITED STATES DISTRICT JUDGE